REMARKS

Prior to the present response, claims 22-30 were pending in the present application. By the present amendment and response, Applicant has canceled non-elected claims 23-24, 26-27, and 29-30. Elected claims 22, 25, and 28 remain in the present application. Elected claims 22, 25, and 28 are directed to the invention characterized by the Examiner as the "patentably distinct" Species I illustrated in Figure 2. Elected claims 22, 25, and 28 call for first and second gate electrodes as shown in and described in relation to Figure 2 of the present application.

Claims calling for first and second gate dielectrics (characterized by the Examiner as the "patentably distinct" Species II illustrated in Figure 3), and claims calling for a gate line and a gate spacer (characterized by the Examiner as the "patentably distinct" Species III illustrated in Figure 4) have been canceled in response to the Examiner's election of species requirement in the present Office Action dated December 22, 2009.
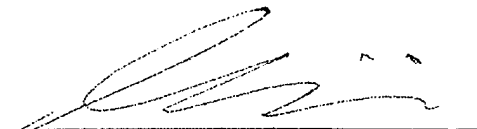
Applicant respectfully requests an early examination and/or allowance of claims 22, 25, and 28 remaining in this application.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment to Deposit Account No. 50-0731.

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Attorney Docket No.: 0180144

Respectfully Submitted,
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